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10/686,553	10/14/2003	Patrick Jay Walsh	8285-646	3477

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EXAMINER	
NGUYEN, DAVID Q	
ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/686,553	WALSH, PATRICK JAY	
	Examiner	Art Unit	
	David Q. Nguyen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,19,21 and 23-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,19,21 and 23-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12, 19,21 and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

Although applicant amended claims 1,19, and 21, "allow the remote source to know either an identity or a location of a wireless communication device while prohibiting the remote source from knowing both the identity and location of the wireless communication device", they do not overcome the prior art, Zellner et al. (US 6,675,017).

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,6,11-12,19,21,23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Zellner et al. (US 6,675,017).

Regarding claims 1 and 19; Zellner discloses a method for providing privacy management for a wireless communication device, the method comprising the steps of: establishing rules of communication between the wireless communication device and a remote source (see col. 4, lines 20-37); and managing communications between the wireless communication device and the remote source in response to establish the rules of communication to: allow the remote source to know either an identity or a location of the wireless

communication device while prohibiting the remote source from knowing both the identity and location of the wireless communication device in response to determining the wireless approves of the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30), and prohibit the location of the wireless communication device from being known to the remote source in response to determining the wireless device does not approve of the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30).

Regarding claims 6,23 and 25, Zellner et al. discloses a method for providing privacy management for a wireless communication device, the method comprising the steps of:

establishing rules of communication between the wireless communication device and a remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30); and managing communications between the wireless communication device (see col. 4, lines 20-37 and Col. 6, lines 3-30), wherein the rules of communication device further comprise:

a rule that the wireless communicate device shall only communicate with the remote source having an acceptable identity (see col. 4, lines 20-37 and Col. 6, lines 3-30); and

wherein the step of managing further comprises:

receiving a request for location information associated with the wireless communication device from the remote source response to the remote source being pushed to the wireless communication device by the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30);

determining whether or not the wireless communication device approves of the remote source in response to the step of receiving the request for location information (see col. 4, lines 20-37 and Col. 6, lines 3-30);

sending a request for the location information to the wireless communication device responsive to determining that the identity of the remote source is acceptable to the wireless communication device (see col. 4, lines 20-37 and Col. 6, lines 3-30);

receiving the location information from the wireless communication device in response to the step of sending the request for location information to the wireless communication device (see col. 4, lines 20-37 and Col. 6, lines 3-30); sending the location information to the remote source responsive to the step of receiving the location information from the wireless communication device (see col. 4, lines 20-37 and Col. 6, lines 3-30); and rejecting the request from the remote source in response to the step of determining that the wireless communication device does not approve of the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30).

Regarding claim 11, the method also discloses the steps of establishing and managing are performed by a wireless communication network establish the rules of communication and manages the communication between the wireless communication device and the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30 and fig. 3).

Regarding claim 12, the method also discloses the a location privacy manager establish the rules of communication and manages the communication between the wireless communication device and the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30 and fig. 3).

Regarding claim 21, Zellner et al. discloses a wireless communication network comprising: an antenna for communicating radio frequency signals over a radio frequency communication channel between the wireless communication network and a wireless communication device (fig. 3, inherent); a receiver, coupled to the antenna, for receiving the

radio frequency signals from the wireless communication device (fig. 3, inherent in mobile communication system); a transmitter, coupled to the antenna, for transmitting the radio frequency signals to the wireless communication device (fig. 3, inherent in mobile communication system); a communication switch, coupled to the transmitter and the receiver, for routing information communicated over radio frequency communication channel (fig. 3; inherent in mobile communication system); a memory device for storing rules of communication between the wireless communication device and a remote source (see fig. 3, inherent in mobile communication system); a location privacy manager interface, coupled to the remote source, for communicating signals between the wireless communication network and the remote source (see fig. 3); and a controller, coupled to the communication switch, the memory device and the location privacy manager interface, for managing communications between the wireless communication device and the remote source in response to the rules of communication to: allow the remote source to know either an identity or a location of the wireless communication device while prohibiting the remote source from knowing both the identity and location of the wireless communication device (see col. 4, lines 20-37 and Col. 6, lines 3-30 and fig. 3) in response to determining the wireless communication device approves of the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30 and fig. 3) and prohibit the location of the wireless communication device from being known to the remote source in response to determining the wireless communication device does not approve of the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30 and fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-5,7-10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner et al. (US 6675017B1) in view of Johansson et al. (US 6,442,391).

Regarding claim 2, Zellner et al. does not mention the step of managing further comprising:

receiving a request for location information associated with the wireless communication device from the remote source; determining whether or not the wireless communication device approves of the remote source in response to receiving the request for location information; sending the location information to the remote source in response to determining that the wireless communication device approves of the remote source. However, Johansson et al. also discloses receiving a request for location information associated with the wireless communication device from the remote source (see step B1 in Fig. 5); determining whether or not the wireless communication device approves of the remote source in response to receiving the request for location information (see steps C2-C5 in fig. 5); sending the location information to the remote source in response to determining that the wireless communication device approves of the remote source (see step C6-C8 in Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of

Johansson et al. to Zellner so that users are ability to block their location information on wireless networks that track location and identity information.

Regarding claims 3, the method of Zellner et al. in view of Johansson et al. also discloses wherein the remote source is a location privacy manager (for instance, a firm of haulage contractor-see col. 7, lines 31-744 of Johansson), the wireless communication device approves of the location privacy manager when the wireless communication device is registered to operate with the location privacy manager, and the wireless communication device does not approve of the location privacy manager when the wireless communication device is not registered to operate with the location privacy manager (see step C2 in fig. 5 of Johansson).

Regarding claim 4, the method of Zellner et al. in view of Johansson et al. also discloses wherein the remote source is a location-enabled service (for instance, a service provider-see col. 9, lines 21-27 of Johansson), the wireless communication device approves of the location-enabled service when the wireless communication device accepts an identity of the location-enabled service, and wherein the wireless communication device does not approve of the location-enabled service when the wireless communication device does not accept the identity of the location-enabled service (see col. 9, line 28 through col. 10 line, also see steps E3-E4 in fig. 6 of Johansson).

Regarding claim 5, the method of Zellner et al. in view of Johansson et al. also discloses wherein a wireless communication device manages communications between the wireless communications device and the remote source (see fig. 3 of Zellner).

Regarding claim 7, Zellner et al. does not mention wherein the remote source is a location privacy manager, wherein the wireless communication device approves of the location

privacy manager when the wireless communication device is registered to operate with the location privacy manager, and wherein the wireless communication device does not approve of the location privacy manager when the wireless communication device is not registered to operate with the location privacy manager. However, Johansson et al discloses wherein the remote source is a location privacy manager (for instance, a firm of haulage contractor-see col. 7, lines 31-744), wherein the wireless communication device approves of the location privacy manager when the wireless communication device is registered to operate with the location privacy manager, and wherein the wireless communication device does not approve of the location privacy manager when the wireless communication device is not registered to operate with the location privacy manager (see step C2 in fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Johansson et al. to Zellner so that users are ability to block their location information on wireless networks that track location and identity information.

Regarding claim 8, the method also discloses wherein the remote source is a location-enabled service (for instance, a service provider-see col. 9, lines 21-27 Johansson et al), wherein the wireless communication device approves of the location-enabled service when the wireless communication device accepts an identity of the location-enabled service, and wherein the wireless communication device does not approve of the location-enabled service when the wireless communication device does not accept the identity of the location-enabled service (see col. 9, line 28 through col. 10 line, also see steps E3-E4 in fig. 6 Johansson et al).

Regarding claims 9 and 24, the method of Zellner in view of Johansson et al. also at least a wireless communication network and a location privacy manager manages communications

between the wireless communication device and the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30 and fig. 3 of Zellner).

Regarding claim 10, the method also discloses the wireless communication device establish the rules of communication and manages the communication between the wireless communication device and the remote source (see col. 4, lines 20-37 and Col. 6, lines 3-30 and fig. 3 of Zellner).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN

David Q Nguyen
Examiner
Art Unit 2617

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER